

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 10, 2013

PRESENT: COUNCILLORS: GARABEDIAN, GRAVEL, OSBORNE, MANNING-MARTIN, DRISCOLL, MELLO, ATHAS, GAMACHE, SINEWITZ, AND GOULD

ABSENT: COUNCILLOR LIACOS

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Thomas L. Gould.

Salute to the American Flag.

P01-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the special meeting of December 11, 2012, and the last regular meeting of December 13, 2012. (Unanimous)

COUNCILLOR GOULD - OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

P02-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Appointment – Emily Chin, 10 Cumberland Road, Wakefield, to City Physician. (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO INTRODUCE MR. STEPHEN J. PATTEN)

P03-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Bond Order – City water treatment plant; \$1,000,000.00 and to refer to the Finance Committee. (Unanimous)

P04-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of funds; Operating Reserve Fund to Central Permit Tracking Software - \$146,000.00 and to refer to the Finance Committee. (Unanimous)

P05-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of funds; Operating Reserve Fund to CEDS Master Plan Update; \$30,000.00 and to refer to the Finance Committee. (Unanimous)

P06-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Bond Order – Reissuing of bond orders and to refer to the Finance Committee. (Unanimous)

P07-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Bond Order Scouting Way; water storage facilities/flood mitigation; \$2,300,000.00 and to refer to the Finance Committee. (Unanimous)

P08-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Bond Order – Peabody Institute Library; \$3,100,000.00 and to refer to the Finance Committee. (Unanimous)

P09-13 COUNCILLOR GRAVEL – MOVE TO approve, under suspension of the rules, the appointment of Emily Chin, 10 Cumberland Road, Wakefield, MA, as City Physician for a one-year term to expire 12/31/2013. (Carried 10-0; Councillor Liacos)

HEARINGS

A public hearing was duly held on the Zoning Amendment – Section 1.7 Prohibited Uses; Medical marijuana facilities and dispensary to produce such in the City. Appearing to speak on behalf of the City was Mayor Edward A. Bettencourt, Jr. No one appeared to speak in favor. No one appeared to speak in opposition.

P10-13 COUNCILLOR GAMACHE - MOVE TO recess the public hearing on Zoning Amendment – Section 1.7 Prohibited Uses; Medical marijuana facilities and dispensary to produce such in the City until the next regular meeting on Thursday, January 24, 2013. (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO INTRODUCE DR. EMILY CHIN, CITY PHYSICIAN.)

P11-13 COUNCILLOR MELLO - MOVE TO recess the public hearing on the Special Permit application from Valter Barcamonte, 20 Lincoln Road, regarding Extend nonconforming single-family dwelling until the next regular meeting on Thursday, January 24, 2013. (Unanimous)

A public hearing was duly held on the Special Permit application from P.K. Motor Cars, Inc., 195 Washington Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Michael Bagoody. No one appeared to speak in favor. Ms. Fran Tower, R119 Foster Street, Peabody, MA, appeared to speak in opposition.

P12-13 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from P.K. Motor Cars, Inc., 195 Washington Street, Peabody, MA, for a Special Permit to allow for a shop to detail automobiles and allow for the rental of automobiles at said 195 Washington Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and conditions:

REASON: Owing to the fact that the use as approved satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITIONS:

1. The parking plan attached to the Special Permit shall be adhered to;
2. The applicant will identify three customer parking spots for customers on the property;
3. There will be no Sunday hours, except for auto sales and auto rental by appointment only;
4. The applicant will obey the side and rear right-of-way;
5. The applicant will keep vehicles clear of the public sidewalk; and
6. The applicant will keep the sidewalks clear of snow.

(Carried 10-0; Councillor Liacos absent)

P13-13 COUNCILLOR ATHAS – MOVE, under suspension of the rules, to receive item 10A; communication from Arthur Pavlo, Acting Building Commissioner, regarding Special Permit transfer; Special Permit 22-2011 from Costa Auto Service to P.K. Motor Cars, Inc., 195 Washington Street. (Unanimous)

P14-13 COUNCILLOR ATHAS – MOVE TO approve the request from Arthur Pavlo, Acting Building Commissioner, regarding Special Permit transfer; Special Permit 22-2011 from Costa Auto Service to P.K. Motor Cars, Inc., 195 Washington Street, subject to all papers being in order. (Carried 10-0; Councillor Liacos absent)

P15-13 COUNCILLOR GRAVEL - MOVE TO request that the City Solicitor provide the City Council with clarification on the right-of-way adjacent to 195 Washington Street so that we can understand what the landlord's rights are, in terms of parking and towing. (Unanimous)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS & RESOLUTIONS

P16-13 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department investigate the property at 7 Granite Road for plow damage from the last storm. They tore up quite a section of the resident's grass in front of his house and he would like it taken care of in the spring. (Unanimous)

P17-13 COUNCILLOR OSBORNE - MOVE TO request that the School Department investigate and provide information to the City Council as to the source of sound emanating from the Brown School at 5:45 a.m. every Saturday morning, which can be heard in the area of MacArthur Circle, and report back some way of eliminating or muffling said sound. (Unanimous)

P18-13 COUNCILLOR OSBORNE – MOVE TO request that the issue of any mitigation policies for the new developments, especially with regard to water runoff, be referred to the Public Services Committee and request that the Public Services Department provide the City Council with information regarding any recourse the City has in charging developers for additional services incurred as a result of developments. During the recent rainstorm we had some issues with the Solimine development up on Bartholomew Street and we had quite a bit of water coming down from the development to three or four residences on Bartholomew Street. At the same location where the development is going to come into Bartholomew Street there was quite a bit of water that was bypassing their retention facility that then froze and Public Services had to come out and sand that area. (Unanimous)

P19-13 COUNCILLOR OSBORNE - MOVE TO request that the Director of Public Services Department update the Public Services Committee on the progress of the estimate of cost and alternatives for providing sewerage to Farm Avenue. (Unanimous)

P20-13 COUNCILLOR MANNING-MARTIN – “I would like to commend His Honor the Mayor for his quick action addressing the Marchese matter off of Winona Street.”

P21-13 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-H communication from His Honor the Mayor regarding Proposed ordinance amendment; planting, removal, maintenance of trees and to refer to the Legal Affairs Committee. (Unanimous)

P22-13 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-I communication from His Honor the Mayor regarding Proposed ordinance amendment; maintenance and protection of storm water systems and to refer to the Legal Affairs Committee. (Unanimous)

P23-13 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Assessor’s Office create a page on the city’s Web site of “frequently asked questions.” I think that might be helpful to folks to find their questions on-line. (Unanimous)

P24-13 COUNCILLOR DRISCOLL - Whereas an emergency conditions exists affecting the health, safety and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that a handicapped sign for 22 Fay Avenue be erected, and that an ordinance be drafted and advertised on the same. (Emergency Preamble - Carried 10-0; Councillor Liacos absent)
(Motion to adopt - Carried 10-0; Councillor Liacos absent)

P25-13 COUNCILLOR ATHAS - MOVE TO request that Public Services Department add the words, "resident of 9 Wagner Street only," at the handicapped parking sign in front of 9 Wagner Street. (Unanimous)

P26-13 COUNCILLOR ATHAS - MOVE TO request that the Director of Finance submit a historical copy of the records regarding the library HVAC repair and the library insurance repair claims for the trusses due to storm damage be submitted to the City Council for the next Finance Committee meeting. (Unanimous)

P27-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-B communication from Stacey Bernson, Assistant Community Development Director, regarding Affordable housing status and to thank Ms. Bernson for her efforts. (Unanimous)

P28-13 COUNCILLOR SINEWITZ – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Chabad Lubavitch of Peabody, 83 Pine Street, regarding Banner, subject to all papers being in order. (Unanimous)

P29-13 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department clean out the culvert on Cobb Avenue between Elginwood Pond and Mill Pond and set a regular schedule for said cleaning, especially before any rain events. They replaced the culvert but they put a screen over it and what's happening is with leaves and beavers it's starting to back up and if it's not cleaned one of the neighbor's yard is getting extremely flooded out. (Unanimous)

P30-13 COUNCILLOR OSBORNE – MOVE TO request that the Community Development Department in conjunction with the Park, Recreation and Forestry Department provide the Public Services Committee with information regarding clear definitions on what the city and/or private property owners can do when trees become a public safety hazard, a destroyer of public property, or a destroyer of private property and whether a maintenance plan of public trees can be developed. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P31-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Jennifer Davis, Director, Parks, Recreation & Forestry, regarding In response to Council motions. (Unanimous)

P32-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Peabody Chamber of Commerce, 24 Main Street, regarding Business Liaison position and to refer to His Honor the Mayor. (Unanimous)

P33-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Attorney Adam Buckley, Assistant City Solicitor, regarding Home rule petition for liquor licenses in B-C zone and to refer to the Industrial & Community Development Committee. (Unanimous)

P34-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Melissa R. Guevin, 558 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P35-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Karen Sawyer, Director, Community Development Department, regarding Housing Production Plan and to refer to the Committee of the Whole. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P36-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Class 1 Motor Vehicle License (Renewal for 2013), subject to all papers being in order:

Acura of Peabody, 233 Andover Street	BMW of Peabody, 221 Andover Street
Land Rover Peabody, 247 Newbury Street	Mini of Peabody, 209 Newbury Street
(Unanimous)	

P37-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2013), subject to all papers being in order:

Adpro Motor Sports, Inc., 15 Spring Street Rear	Allen's Auto Trim, Inc., 27 Howley Street
Car Craft, 258 Newbury Street	Elite Pre-Owned Auto, 153 Newbury Street
Louie's BMW Ltd., 260 Newbury Street	Northshore Automotive, 100 Birney Street, Unit 7
Peabody Auto Clinic LLC, 3R Birney Street	Sacco's Garage, 119-121 Lynn Street
(Unanimous)	

P38-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Class 3 Motor Vehicle License (Renewal for 2013), subject to all papers being in order:

Gurrisi Brothers Auto & Truck Sales & Salvage, 0 Corwin Street
 Peabody Auto Salvage, Inc., 0 Corwin Street
 (Unanimous)

P39-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Auctioneer License (Renewal for 2013) R.C. Mason Movers, Inc., 229 Newbury Street, subject to all papers being in order. (Unanimous)

P40-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Bowling Alley License (Renewal for 2013) Metro Bowl, 63 Foster Street, subject to all papers being in order. (Unanimous)

P41-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Innholder License (Renewal for 2013), subject to all papers being in order.

Peabody Marriott, 8A Centennial Drive
Homestead Studio Suites, 200 Jubilee Drive
(Unanimous)

P42-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Limousine License (Renewal for 2013), subject to all papers being in order:

Michael's Limousine, Co. Inc., 161 Lynn Street
Road House Limousine, 55 Pulaski Street
(Unanimous)

P43-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Pool & Billiard License (Renewal for 2013) Metro Bowl, 63 Foster Street, subject to all papers being in order. (Unanimous)

P44-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Junk Dealer License (Renewal for 2012) Harvest of Hope Used Furniture & More, Inc., 26 Howley Street, subject to all papers being in order. (Unanimous)

P45-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Entertainment License (Renewal for 2013), subject to all papers being in order:

Bonker's Funhouse Pizza, 535 Lowell Street
Brodies Pub, 10 ½ Lowell Street
Century House of Peabody, Inc., 235 Andover Street
The Cheesecake Factory Restaurants, Inc., 210 Andover Street
Golden Banana, 151-R Newbury Street
Greg's Lounge, 50 Walnut Street
Jade's Restaurant, LLC, 4 Bourbon Street
Legal Sea Foods LLC, 210 Andover Street
Peabody Marriott, 8A Centennial Drive
P.F. Chang's China Bistro, Inc., 210 Andover Street
St. Michael's Archangel Polish Society, 156 Endicott Street
Spinelli's Function Facility, 10 Newbury Street
Stonewood Tavern, 139 Lynnfield Street
Sylvan St Grille, 12 Sylvan Street
Trackside Bar & Grill LLC, 30 Warren Street
Wardhurst Club, Inc., 31 Lynnfield Street
(Unanimous)

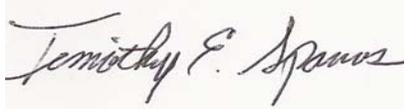
P46-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License (Renewal for 2013), subject to all papers being in order:

Steven P. Knight – License 105
Donald Lamontagne – License 106
Alphonse Soltys – License 107
John A. Dodge – License 108
Carlos Fialho – License 109
Kenneth A. Wright – License 111
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 17, 2013
RETURNED BY HIS HONOR THE MAYOR, JANUARY 17, 2013



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Appointment – Emily Chin, 10 Cumberland Road, Wakefield to City Physician

His Honor the Mayor re: Bond Order – City water treatment plant; \$1,000,000.00

His Honor the Mayor re: Transfer of funds; Operating Reserve Fund to Central Permit Tracking Software - \$146,000.00

His Honor the Mayor re: Transfer of funds; Operating Reserve Fund to CEDS Master Plan Update; \$30,000.00

His Honor the Mayor re: Bond Order – Reissuing of bond orders

His Honor the Mayor re: Bond Order – Scouting Way; water storage facilities/flood mitigation; \$2,300,000.00

His Honor the Mayor re: Bond Order – Peabody Institute Library; \$3,100,000.00

His Honor the Mayor re: Proposed ordinance amendment; planting, removal, maintenance of trees

His Honor the Mayor re: Proposed ordinance amendment; Maintenance and protection of storm water systems

Jennifer Davis, Director, Parks, Recreation & Forestry re: In response to Council motions

Stacey Bernson, Assistant Community Development Director re: Affordable housing status

Peabody Chamber of Commerce, 24 Main Street re: Business Liaison position

Attorney Adam Buckley, Assistant City Solicitor re: Home rule petition for liquor licenses in B-C Zone

Melissa R. Guevin, 558 Lowell Street re: Special Permit application

Chabad Lubavitch of Peabody, 83 Pine Street re: Banner

Karen Sawyer, Director, Community Development Department re: Housing Production Plan

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LIMOUSINE LICENSE: (Renewal for 2013)

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